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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/684,691

10/14/2003

Kurt Gauler

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3421

7590

04/18/2006

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EXAMINER

LUK, EMMANUEL S

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/684,691	GAULER, KURT	
	Examiner	Art Unit	
	Emmanuel S. Luk	1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cyriax et al (4500274) in view of Gellert (5952016).

Cyriax teaches a side-injection molding machine having a plates (1, 2), one of the molds being the tool injection part and the other mold being the tool ejection part as Cyriax teaches means provided on at least one of the plates for injecting settable material into the mold cavity, and that the molds form the mold cavity (Col. 1, lines 35-43 and Col. 2, line 61 to Col. 3, line 4). Cyriax also teaches a latch (8) that engages pins (8a, 8b) to hold the mold halves together (Col. 7, lines 46-54), wherein the latch can be selectively opened and closed to allow movement of the mold plates. Eyes (16,

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17) allow for a crane with hooks to engage the mold halves and lift the mold out of position (Col. 8, lines 23-28).

Cyriax fails to distinctly show the tool injection part within the head plate with the bolt members and the hot passage distribution system, and hooks.

Gellert teaches a tool injection part (10) and hot passage distributor system (12) within an injection molding apparatus. The part is within the head plate (128) and is held by bolts and screws (Figures 1 and 2; see element 36, the entire distribution system is seen to be held in place by element 36) including a fastener accessible from the side (Fig. 3). Gellert teaches at least two nozzles and sleeves and a hot distributor block (Fig. 3). It is also noted that Gellert has one side that is equivalent to the injection mold part (Fig. 3, the side containing element 144) and another that is equivalent to the ejection mold part (Fig. 3, the side containing element 32)

It would have been obvious to one of ordinary skill in the art to modify Cyriax with the tool injection part and hot passage distribution system as taught by Gellert because it allows for modular system that allows for easy removal of the parts.

In regards to claims 2-4, 9, and 10, the latch is a bar member and the screw fasteners are the same as the pins. In regards to the openings on the parts, there is at least one opening for the pins on both the tool ejection part and tool injection part. It is merely a plurality of parts and Cyriax already teaches two openings. The latch is capable of being stored even by the support of only one pin.

In regards to the hooks, Cyriax teaches eyes that are engaged by hooks in a crane. It would have been obvious to one of ordinary skill in the art to modify Cyriax

with hooks instead of the eyes for lifting the mold parts from position as it has the same equivalent function in engaging a hook.

In regards to claims 13-20, these are method steps in using the claimed apparatus. The claimed apparatus being obvious over Cyriax in view of Gellert, thereby it would have been obvious for one of ordinary skill in the art to recognize that operation steps for the claimed invention is taught by Cyriax in view of Gellert for the functioning of the machine.

For claim 13, Cyriax clearly teaches the step of closing the molding machine and mounting a fastening device between the ejection mold part and the injection mold part and pulling the mold parts from the machine (which would include the hot passage distribution system), including the use of a hook member for removal of the mold parts.

Response to Arguments

4. Applicant's arguments filed 1/30/06 have been fully considered but they are not persuasive. The Examiner has now clearly pointed out the bolt member that would hold the injection mold part to the head plate for holding the hot passage distribution system to the injection mold part. Examiner has considered the applicant's discussion about the nozzle of Gellert, however this does not discount the use of Gellert with Cyriax. Cyriax clearly teaches a tool mold part and ejection mold part, wherein the two mold halves are brought together to form the cavity. Gellert is relevant also since the injection mold part still needs to be brought together with the ejection mold part and the

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nozzle is still brought into place for injection of the material to form the product in the mold cavity.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (571) 272-1134. The examiner can normally be reached on Monday-Thursday 8 to 5 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EL


JOSEPH S. DEL SOLE
PRIMARY EXAMINER
4/17/06